

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
v.)
ANTHONY BUCCI)

Criminal No. 04-10194-RCL

**MOTION FOR RECONSIDERATION OF DENIAL OF MOTION FOR
FURTHER EXTENSION OF TIME IN WHICH TO FILE
SUBSTITUTE PLEADING**

Now comes the defendant in the above-named case and respectfully moves this Honorable Court to reconsider its order denying his motion to extend the time in which he may file a substitute Rule 33 motion. In support thereof the defendant says:

1. That his initial Rule 33 motion was timely filed pro se, but rejected by this Court as not in compliance with procedural rules. The defendant was given time to file a substitute pleading. Instead of filing said pleading pro se he hired new counsel.
 2. New counsel was not in a position to ethically file a substitute pleading without knowing the case and thus ordered the trial transcript and moved for an extension. This Court granted the extension; but when the trial transcript was still not available, new counsel filed the motion for extension at issue here.
 3. The trial transcript is now available and sentencing has bee put off until November 15, 2006. New counsel can file a substitute Rule 33 motion before the sentencing date. In the interest of fairness the defendant should not lose his opportunity to file a Rule 33 motion because he decided to retain new counsel as opposed to proceeding pro se.

In the alternative, the defendant moves that his original pro se pleading be allowed to be

filed nunc pro tunc to the date it was originally filed.

Respectfully submitted,
By his attorney,

/s/ Robert Sheketoff
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